

REMARKS/ARGUMENTS

This Amendment and the following remarks are intended to fully respond to the Final Office Action mailed April 21, 2006. In that Office Action claims 1-15, 21-28, and 34-38 were examined. Claims 1-15, 21-28 and 34-38 were rejected, and claims 36-38 were objected to as being dependent from a rejected base claim. More specifically, claims 36-38 were objected to as being dependent upon a rejected base claim; claims 1-7 and 34-35 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Chen et al. (USPN 6,668,354) and International Publication No. WO 95/31773; and claims 8-15 and 21-28 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Chen et al. and Glaser (USPN 6,392,671). Reconsideration of these rejections, as they might apply to the original and amended claims in view of these remarks, is respectfully requested.

In this Response, claims 36-38 have been amended; claims 1-15, 21-28 and 34-35 have been canceled; and claims 39-57 have been added. Therefore, claims 36-57 remain present for examination.

Claim Objections

Claims 36-38 were objected to as being dependent upon a rejected base claim 34, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 36-38 were amended to place the claims in independent form and to include all elements of rejected base claim 34 into the claims. As Examiner admits, claims 36-38 are now in a condition for allowance. Additional claims 39-57 depend from the allowable base claims 36-38.

All other claims, *i.e.*, 39-57, depend from the allowable independent claims and are, thus, also allowable. Therefore, Applicants respectfully request that the Examiner issue a notice of allowance, for all claims, at the earliest convenience.

The Applicants expressly traverse the Examiner's Statement of Reasons for Allowance to the extent that any comment is intended or has the effect of limiting a claim scope, explicitly or implicitly, by not reciting verbatim the respective claim language, or is intended or has the effect of limiting a claim scope by stating or implying that all the reasons for patentability are in any way fully enumerated.

The Applicants further point out that the reasons for allowance set forth by the Examiner are not the only reasons that claims 36-57 are allowable. Further reasons for allowance of the claims beyond those enumerated by the Examiner are described and set forth in the Applicant's specification. In addition, structures that perform substantially the same function in substantially the same way to achieve substantially the same results are included within the scope of the claims.

Finally, as the Examiner's reasons for allowance are not exhaustive, such reasons for allowance do not establish an estoppel against Applicants seeking and obtaining allowance of additional, broader claims in a continuation application, which Applicants reserve the right to file.

Claim Rejections – 35 U.S.C. § 103

Claims 1-7 and 34-35 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Chen et al. (USPN 6,668,354) and International Publication No. WO 95/31773. Claims 8-15 and 21-28 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Chen et al. and Glaser (USPN 6,392,671). Claims 1-15, 21-28 and 34-35 have been cancelled, and thus, all rejections to claims 1-15, 21-28 and 34-35 have been rendered moot.

Conclusion

This Amendment and the following remarks fully respond to the Final Office Action mailed April 21, 2006. Still, that Office Action may contain arguments and rejections and that


are not directly addressed by this Amendment due to the fact that they are rendered moot in light of the preceding amendments and arguments in favor of patentability. Hence, failure of this Amendment to directly address an argument raised in the Office Action should not be taken as an indication that the Applicant believes the argument has merit. Furthermore, the claims of the present application may include other elements, not discussed in this Amendment, which are not shown, taught, or otherwise suggested by the art of record. Accordingly, the preceding arguments in favor of patentability are advanced without prejudice to other bases of patentability.

It is believed that no further fees are due with this Response. However, the Commissioner is hereby authorized to charge any deficiencies or credit any overpayment with respect to this patent application to deposit account number 13-2725.

In light of the above remarks and amendments, it is believed that the application is now in condition for allowance and such action is respectfully requested. Should any additional issues need to be resolved, the Examiner is urged to telephone the undersigned to attempt to resolve those issues.

Date: June 21, 2006




Tadd F. Wilson
Attorney Reg. No. 54,544
Merchant & Gould P.C.
3200 IDS Center
80 South Eighth Street
Minneapolis, MN 55402-2215
303.357.1651